

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Frank A Ferrar**Case No.: **15-33258**Judge: **RG**Debtor(s) Chapter: **13**

CHAPTER 13 PLAN AND MOTIONS

☐ Original☒ Modified/Notice Required☒ Discharge Sought☐ Motions Included☐ Modified/No Notice Required☐ No Discharge SoughtDate: **March 13, 2017**

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay a total of \$2,100.00 to the Chapter 13 Trustee from January 2016 through February 2017 (14 months); The Debtor shall pay \$250.00 monthly to the Chapter 13 Trustee starting March 201 for approximately 46 months. The total length of plan is approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes and certain other debts	0.00
State of New Jersey Division of Taxation	Taxes and certain other debts	0.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Nationstar Mortgage, LLC	202 Softwood Drive Duncanville, TX 75137	12,059.62	0.00	12,059.92	1,026.37 (subject to change per note and mortgage)

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral **IN FULL SATISFACTION OF CREDITORS' CLAIMS.**

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Caliber Home Loans	10 Northwood Ave, Apt. 509 Linden, NJ 07036	87,000.00	0.00 - collateral surrendered in full satisfaction of creditor's claim
Nationstar Mortgage	10 Northwood Ave Apt 300 Linden, NJ 07036	87,000.00	0.00 - collateral surrendered in full satisfaction of creditor's claim
Linden Towers Condomiums	10 Northwood Ave Apts 300 & 509 Linden, NJ 07036	Apt. 300: 87,000.00 Apt. 509: 87,000.00	0.00 - collateral surrendered in full satisfaction of creditor's claim

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: February 2, 2016

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Debtor was unable to complete sale of Apt. 509. Debtor will surrender property. Loan modification on Texax property not yet finalized, Debtor proposes to cure the arrears in the event a modification is not completed.	Surrendering Apt. 509. Curing arrears on Texas.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date March 13, 2017 /s/ Scott E. Tanne
Scott E. Tanne st2477
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: March 13, 2017 /s/ Frank A Ferrar
Frank A Ferrar
Debtor

Date: _____
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Frank A Ferrar
 Debtor

Case No. 15-33258-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Apr 03, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 05, 2017.

db +Frank A Ferrar, 202 Softwood Dr., Duncanville, TX 75137-4326
 cr +Caliber Home Loans, Inc., RAS Citron, LLC, 130 Clinton Road, Suite 202,
 Fairfield, NJ 07004-2927
 cr +Linden Towers Condominium Association, Inc., 151 Highway 33 East, Suite 204,
 Manalapan, NJ 07726, UNITED STATES 07726-8635
 515899913 +Ar Resources Inc, Bankruptcy, Po Box 1056, Blue Bell, PA 19422-0287
 515899914 +Ar Resources Inc, 1777 Sentry Pkwy W, Blue Bell, PA 19422-2206
 516320292 +Bank of America, PO Box 5170, Semi Valley, CA 93062-5170
 515899916 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
 516063370 +Caliber Home Loans, Inc., P.O. Box 24330, Oklahoma City, OK 73124-0330
 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 515931803 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515899918 +Cit Fin Serv, Po Box 24610, Oklahoma City, OK 73124-0610
 515899917 +Cit Fin Serv, Attn: Bankruptcy, Po Box 140489, Irving, TX 75014-0489
 515899921 +Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Englishtown, NJ 07726-8635
 515899922 +Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, NJ 07726-8635
 515899923 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241
 515899924 +Experian, PO BOX 9701, Allen, TX 75013-9701
 515899925 +Frenkel, Lambert Weiss Weisman & Gordon, 80 Main Street, Suite 560,
 West Orange, NJ 07052-5430
 515899927 +Fst Premier, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 515899926 +Fst Premier, Po Box 5524, Sioux Falls, SD 57117-5524
 516010965 +Linden Towers Condominium Association, Inc., c/o Cutolo Mandel LLC,
 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635
 515899928 Linden Towers Condomiums, 10 Wood Ave, Linden, NJ 07036
 516703319 +NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, P.O. Box 619096, Dallas, TX 75261-9741)
 516667276 +Nationstar Mortgage LLC, 6409 Congress Ave. Suite 100, Boca Raton, FL 33487-2853
 516580810 +Nationstar Mortgage LLC, Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 516126600 Nationstar Mortgage LLC, P.O Box 650783, Dallas, TX 75265-0783
 516010953 +Sixty Acre Reserve Condominium Association, Inc., c/o Cutolo Mandel LLC,
 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635
 516126603 +State of New Jersey Division of Taxation, P.O Box 187, Trenton, NJ 08695-0187
 516124411 +THE BANK OF NEW YORK MELLON TRUSTEE (SEE 410), C/O Nationstar Mortgage LLC, PO Box 619096,
 Dallas, Texas 75261-9096
 515899930 +Trans Union, PO BOX 2000, Chester, PA 19022-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 04 2017 00:29:55 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 04 2017 00:29:50 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515899919 +E-mail/Text: creditonebknofications@resurgent.com Apr 04 2017 00:28:54 Credit One Bank Na,
 Po Box 98873, Las Vegas, NV 89193-8873
 515899920 +E-mail/Text: creditonebknofications@resurgent.com Apr 04 2017 00:28:54 Credit One Bank Na,
 Po Box 98875, Las Vegas, NV 89193-8875
 516049702 +E-mail/Text: cio.bncmail@irs.gov Apr 04 2017 00:29:17 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 516125237 E-mail/PDF: resurgentbknofications@resurgent.com Apr 04 2017 00:18:10 LVNV Funding LLC,
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 515899929 +E-mail/PDF: bankruptcy@ncfsi.com Apr 04 2017 00:18:10 New Century Financial,
 110 S, Jefferson Rd # 104, Whippany, NJ 07981-1038

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Nationstar Mortgage LLC, Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 516126602* +Internal Revenue Service, P.O Box 7346, Philadelphia, PA 19101-7346
 516126601* Nationstar Mortgage LLC, P.O Box 650783, Dallas, TX 75265-0783

TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 36

Date Rcvd: Apr 03, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 05, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 31, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Nationstar Mortgage LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Hubert C. Cutolo on behalf of Creditor Linden Towers Condominium Association, Inc.
hcutolo@cutololaw.com
Justin Plean on behalf of Creditor Nationstar Mortgage LLC jplean@rasflaw.com,
bkyecf@rasflaw.com; ras@ecf.courtdrive.com
Laura M. Egerman on behalf of Creditor Nationstar Mortgage LLC legerman@rasnj.com,
gshasa@rasnj.com, bmusarra@rasnj.com, bkyecf@rasflaw.com
Marie-Ann Greenberg magecf@magtrustee.com
Patrick O. Lacsina on behalf of Creditor Caliber Home Loans, Inc. gshasa@rasnj.com,
bmusarra@rasnj.com, bkyecf@rasflaw.com, legerman@rasnj.com
Scott E. Tanne on behalf of Debtor Frank A Ferrar info@tannelaw.com, clerk@tannelaw.com
TOTAL: 7